









# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## **RESEARCH APPENDIX -** **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 04/20/2009 (Per: CMH)

### **Compile Draft – Appendix H** **... Part 03 of 03**

- |   |  |
|---|--|
| <b>A</b>  The <u>2009</u> drafting file for LRB-2519   | <b>E</b>  The <u>2009</u> drafting file for LRB-2680                  |
| <b>B</b>  The <u>2009</u> drafting file for LRB-2551 | <b>F</b>  The <u>2009</u> drafting file for LRB-2686                |
| <b>C</b>  The <u>2009</u> drafting file for LRB-2566 | <b>G</b>  The <u>2009</u> drafting file for LRB-2687                |
| <b>D</b>  The <u>2009</u> drafting file for LRB-2522 | <b>H</b>  The <u>2009</u> drafting file for LRB-2556 (as an insert) |

**2009 LRB-2556** has been copied/added to the drafting file for

**2009 LRB-2697**



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-2556/1 2  
JTK:nwn&kjf:ph

Mon 4/20 - AM

DOA:.....Weidner, ARRA - Unemployment insurance eligibility; extended benefits

**FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION**

P. 130 only

Regen

1 **AN ACT to repeal** 108.04 (7) (s) 2. c.; **to amend** 108.04 (7) (c), 108.04 (7) (h), 108.04  
2 (7) (s) 1. a. and b., 108.04 (7) (s) 2. a., 108.06 (1), 108.06 (2) (c) and (cm), (3) and  
3 (6) (intro.), 108.14 (8n) (e), 108.141 (1) (a) and (b) 2. and 108.141 (7) (a); **to**  
4 **repeal and recreate** 108.04 (7) (s) 2. b., 108.141 (1) (e), 108.141 (1) (f) and  
5 108.141 (5); and **to create** 108.04 (7) (s) 1. bn., d. and e., 108.04 (7) (t), 108.06  
6 (7), 108.141 (1) (b) 2m. and 108.141 (1) (dm) of the statutes; **relating to:**  
7 eligibility for unemployment insurance benefits and payment of extended  
8 benefits.

---

***Analysis by the Legislative Reference Bureau***

This bill expands eligibility for unemployment insurance benefits and changes the duration of federal/state extended benefits.

**BENEFIT ELIGIBILITY**

***Voluntary termination of employment***

Currently, if an employee voluntarily terminates his or her work for an employer, the employee is generally ineligible to receive benefits until four weeks

have elapsed since the end of the week in which the termination occurs and the employee earns wages after the week in which the termination occurs equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. However, an employee may terminate his or her work and receive benefits without requalifying under this provision, among other reasons, if the employee: 1) terminates his or her work due to domestic abuse or concerns about the personal safety or harassment of the employee's family or household members; or 2) was unable to work due to the health of a family member. This bill expands the domestic abuse exception to include abuse or threat of abuse by an unrelated individual with whom the employee had a personal relationship, includes an adopted relative in the definition of family member, and permits the domestic abuse or concerns to be verified either by a protective order, by a report of a law enforcement agency, or evidence provided by a licensed health care professional or an employee of a domestic violence shelter. The bill broadens the exception concerning the health of a family member to apply to any verified illness or disability that necessitates the care of a family member for a period of time that is longer than the employee's employer is willing to grant leave. The bill also provides that requalification is not required if an employee's spouse changed his or her place of employment to a place to which it is impractical to commute and the employee terminated his or her work to accompany the spouse to that place.

***Approved training in high-demand occupations***

Currently, benefits may not be denied to an otherwise eligible claimant because the claimant is enrolled in a vocational training course or a basic education course that is a prerequisite to such training ("approved training") under certain conditions. Currently, unless a claimant qualifies for federal/state extended benefits, Wisconsin supplemental benefits, or federal emergency compensation and unless certain other exceptions apply, no claimant may receive total benefits based on employment in a base period (period preceding a claim during which benefit rights accrue) greater than 26 times the claimant's weekly benefit rate or 40 percent of the claimant's base period wages, whichever is lower. This bill provides, with certain exceptions, that if a claimant has exhausted all other rights to benefits, is currently enrolled in and making satisfactory progress in an approved training program under current law prior to the end of the claimant's benefit year (period during which benefits are payable) that qualified the claimant for benefits, and is not receiving any similar stipends or other training allowances for nontraining costs is entitled to additional benefits of up to 26 times the same benefit rate that applied to the claimant during his or her most recent benefit year if the claimant: 1) has been separated from employment in a declining occupation or involuntarily separated from employment as a result of a permanent reduction in operations by his or her employer; and 2) is being trained for entry into a high-demand occupation.

**PAYMENT OF EXTENDED BENEFITS**

Currently, the maximum number of weeks of benefits that an eligible claimant may qualify to receive is normally 26 weeks. However, during certain periods of high unemployment in this state, as defined by law, claimants who have exhausted all their rights to receive benefits in a given benefit year may potentially qualify to

receive up to an additional 13 weeks of "extended benefits," the costs of which, with certain exceptions, are shared between the federal government and employers in this state. Under recent federal legislation, the employer share is also paid in most cases by the federal government beginning with weeks of unemployment that begin on or after February 17, 2009, and ending with the last week beginning in 2009, and, for claimants who begin an extended benefit claim before that date, ending with the last week ending before June 1, 2010. In addition, under the federal legislation, during periods of exceptionally high unemployment in this state, claimants who qualify for extended benefits may qualify to receive an additional seven weeks of extended benefits that are financed in the same manner. This bill changes state law to conform with the recent federal legislation so as to enable claimants in this state to qualify for these additional extended benefits and to enable full participation by this state in federal cost sharing for these benefits.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 108.04 (7) (c) of the statutes is amended to read:

2           108.04 (7) (c) Paragraph (a) does not apply if the department determines that  
3           the employee terminated his or her work but had no reasonable alternative because  
4           the employee was unable to do his or her work, or that the employee terminated his  
5           or her work because of the health verified illness or disability of a member of his or  
6           her immediate family and the verified illness or disability reasonably necessitates  
7           the care of the family member for a period of time that is longer than the employer  
8           is willing to grant leave; but if the department determines that the employee is  
9           unable to work or unavailable for work, the employee is ineligible to receive benefits  
10          while such inability or unavailability continues.

11          **SECTION 2.** 108.04 (7) (h) of the statutes is amended to read:

12          108.04 (7) (h) The department shall charge to the fund's balancing account  
13          benefits paid to an employee that are otherwise chargeable to the account of an

1 employer that is subject to the contribution requirements of ss. 108.17 and 108.18  
2 if the employee voluntarily terminates employment with that employer and par. (a),  
3 (c), (d), (e), (k), (L), (o), (p), (q), ~~or (s)~~, or (t) applies.

4 **SECTION 3.** 108.04 (7) (s) 1. a. and b. of the statutes are amended to read:

5 108.04 (7) (s) 1. a. "Domestic abuse" means physical abuse, including a  
6 violation of s. 940.225 (1), (2) or (3), or a threat of physical abuse by an adult family  
7 or adult household member against another family or household member; by an  
8 adult person against his or her spouse or former spouse; ~~or by an adult person against~~  
9 a person with whom the person has a child in common; or by an adult person against  
10 an unrelated adult person with whom the person has had a personal relationship.

11 b. "Family member" means a spouse, parent, child or person related by  
12 ~~consanguinity~~ blood or adoption to another person.

13 **SECTION 4.** 108.04 (7) (s) 1. bn., d. and e. of the statutes are created to read:

14 108.04 (7) (s) 1. bn. "Health care professional" has the meaning given in s.  
15 180.1901 (1m).

16 d. "Law enforcement agency" has the meaning given in s. 165.83 (1) (b) and  
17 includes a tribal law enforcement agency as defined in s. 165.83 (1) (e).

18 e. "Protective order" means a temporary restraining order or an injunction  
19 issued by a court of competent jurisdiction.

20 **SECTION 5.** 108.04 (7) (s) 2. a. of the statutes is amended to read:

21 108.04 (7) (s) 2. a. Terminates his or her work due to domestic abuse, concerns  
22 about personal safety or harassment, concerns about the safety or harassment of his  
23 or her family members who reside with the employee or concerns about the safety or  
24 harassment of other household members; and

25 **SECTION 6.** 108.04 (7) (s) 2. b. of the statutes is repealed and recreated to read:

1           108.04 (7) (s) 2. b. Provides to the department a protective order relating to the  
2           domestic abuse or concerns about personal safety or harassment issued by a court  
3           of competent jurisdiction, a report by a law enforcement agency documenting the  
4           domestic abuse or concerns, or evidence of the domestic abuse or concerns provided  
5           by a health care professional or an employee of a domestic violence shelter.

6           **SECTION 7.** 108.04 (7) (s) 2. c. of the statutes is repealed.

7           **SECTION 8.** 108.04 (7) (t) of the statutes is created to read:

8           108.04 (7) (t) Paragraph (a) does not apply if the department determines that  
9           the employee's spouse changed his or her place of employment to a place to which it  
10          is impractical to commute and the employee terminated his or her work to  
11          accompany the spouse to that place.

12          **SECTION 9.** 108.06 (1) of the statutes is amended to read:

13          108.06 (1) Except as provided in ~~sub.~~ subs. (6) and (7) and ss. 108.141 and  
14          108.142, no claimant may receive total benefits based on employment in a base  
15          period greater than 26 times the claimant's weekly benefit rate under s. 108.05 (1)  
16          or 40% of the claimant's base period wages, whichever is lower. Except as provided  
17          in ~~sub.~~ subs. (6) and (7) and ss. 108.141 and 108.142, if a claimant's base period wages  
18          are reduced or canceled under s. 108.04 (5) or (18), or suspended under s. 108.04 (1)  
19          (f), (10) (a), or (17), the claimant may not receive total benefits based on employment  
20          in a base period greater than 26 times the claimant's weekly benefit rate under s.  
21          108.05 (1) or 40% of the base period wages not reduced, canceled or suspended which  
22          were paid or payable to the claimant, whichever is lower.

23          **SECTION 10.** 108.06 (2) (c) and (cm), (3) and (6) (intro.) of the statutes are  
24          amended to read:

1           108.06 (2) (c) No benefits are payable to a claimant for any week of  
2           unemployment not occurring during the claimant's benefit year except under sub. (7)  
3           and ss. 108.141 and 108.142.

4           (cm) If an employee qualifies to receive benefits using the base period described  
5           in s. 108.02 (4) (b), the wages used to compute the employee's benefit entitlement are  
6           not available for use in any subsequent benefit computation for the same employee,  
7           except under sub. (7) and s. 108.141 or 108.142.

8           (3) There shall be payable to an employee, for weeks ending within the  
9           employee's benefit year, only those benefits computed for that benefit year based on  
10          the wages paid to the employee in the immediately preceding base period. Wages  
11          used in a given benefit computation are not available for use in any subsequent  
12          benefit computation except under sub. (7) and s. 108.141.

13          (6) (intro.) If a claimant has established a benefit year prior to the effective date  
14          of any increase in the maximum weekly benefit rate provided under s. 108.05 (1), the  
15          claimant has not exhausted his or her total benefit entitlement under sub. (1) for that  
16          benefit year on that effective date, and the claimant was entitled to receive the  
17          maximum weekly benefit rate under s. 108.05 (1) that was in effect prior to that  
18          effective date, the limitation on the total benefits authorized to be paid to a claimant  
19          under sub. (1) does not apply to that claimant in that benefit year. Unless sub. (7)  
20          or s. 108.141 or 108.142 applies, the claimant's remaining benefit entitlement in that  
21          benefit year for the period beginning on that effective date shall be computed by:

22          **SECTION 11.** 108.06 (7) of the statutes is created to read:

23          108.06 (7) (a) In this subsection:

24               1. "Applicable benefit year" means, with respect to a claimant, the claimant's  
25          current benefit year if at the time an initial claim for benefits under this subsection

1 is filed the claimant has an unexpired benefit year or, in any other case, the  
2 claimant's most recent benefit year.

3 2. "Training program" means any program of a type specified in s. 108.04 (16).

4 (b) Except as provided in pars. (f) and (g), a claimant who is otherwise eligible  
5 for benefits and who is currently enrolled in a training program is eligible, while  
6 enrolled in that training program for additional benefits under this subsection  
7 provided that the claimant:

8 1. Has exhausted all rights to regular benefits, federal emergency  
9 compensation benefits under P.L. 110-252 and P.L. 110-449, as amended, and  
10 extended benefits under s. 108.141, or any other similar state or federal program of  
11 additional benefit;

12 2. Except as provided in par. (e), is first enrolled in a training program within  
13 the claimant's applicable benefit year established based on the separation under  
14 subd. 4.;

15 3. Is not receiving similar stipends or other training allowances for nontraining  
16 costs;

17 4. Has been separated from employment in a declining occupation or  
18 involuntarily separated from employment since the beginning of the base period of  
19 the claimant's applicable benefit year as a result of a permanent reduction in  
20 operations by his or her employing unit; and

21 5. Is being trained for entry into a high-demand occupation.

22 (c) The weekly benefit rate payable to a claimant under this subsection for a  
23 week of total unemployment is an amount equal to the most recent weekly benefit  
24 rate in the claimant's applicable benefit year as determined under s. 108.05 (1).



1 (d) No claimant may receive total benefits under this subsection greater than  
2 26 times the claimant's weekly benefit rate that applied to the claimant's applicable  
3 benefit year.

4 (e) A claimant who is otherwise eligible for benefits under par. (b) and whose  
5 benefit year ends in a week in which benefits are payable in this state under s.  
6 108.141 or 108.142, or P.L. 110-252 or P.L. 110-449, as amended, or another similar  
7 state or federal program of additional benefits, is also eligible for benefits under this  
8 subsection if the claimant is first enrolled in a training program within 52 weeks  
9 after the end of the claimant's applicable benefit year established based on the  
10 separation under par. (b) 4.

11 (f) No benefits may be paid to a claimant under this subsection for weeks  
12 beginning more than 52 weeks after the first week for which the claimant received  
13 benefits under this subsection.

14 (g) Except when the result would be inconsistent with the other provisions of  
15 this subsection, the provisions of this chapter that apply to claims for, or the payment  
16 of, regular benefits apply to claims for, and the payment of, benefits under this  
17 subsection.

18 (h) The occupations that qualify as declining or high-demand for purposes of  
19 this subsection shall be determined by the department.

20 (i) The restrictions on benefit reductions and disqualifications in s. 108.04 (16)  
21 apply to a claimant in a training program who is entitled to receive benefits under  
22 this subsection.

23 (j) The department shall charge benefits paid under this subsection in the same  
24 manner as provided for charging of regular benefits under s. 108.16 (2).

25 **SECTION 12.** 108.14 (8n) (e) of the statutes is amended to read:

1       108.14 (8n) (e) The department shall charge this state's share of any benefits  
2       paid under this subsection to the account of each employer by which the employee  
3       claiming benefits was employed in the applicable base period, in proportion to the  
4       total amount of wages he or she earned from each employer in the base period, except  
5       that if s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p) ~~or~~ (q), (s), or (t), (7m) or  
6       (8) (a) or 108.07 (3), (3r), (5) (b) or (8) would have applied to employment by such an  
7       employer who is subject to the contribution requirements of ss. 108.17 and 108.18,  
8       the department shall charge the share of benefits based on employment with that  
9       employer to the fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07 (3)  
10      would have applied to an employer that is not subject to the contribution  
11      requirements of ss. 108.17 and 108.18, the department shall charge the share of  
12      benefits based on that employment in accordance with s. 108.07 (5) (a) and (b). The  
13      department shall also charge the fund's balancing account with any other state's  
14      share of such benefits pending reimbursement by that state.

15      SECTION 13. 108.141 (1) (a) and (b) 2. of the statutes are amended to read:

16      108.141 (1) (a) "Eligibility period" of an individual means the period consisting  
17      of ~~the weeks~~ each week in the individual's benefit year which ~~begin~~ begins in an  
18      extended benefit period and, if the individual's benefit year ends within such ~~that~~  
19      extended benefit period, ~~any weeks~~ each week thereafter which ~~begin~~ begins in such  
20      a period. For weeks of unemployment beginning on or after February 17, 2009, and  
21      ending before June 1, 2010, or the last week for which federal sharing is authorized  
22      by section 2005 (a) of P.L. 111-5 and any amendments thereto, whichever is later,  
23      "eligibility period" also means the period consisting of each week during which an  
24      individual is eligible for emergency unemployment compensation under P.L.  
25      110-252 and P.L. 110-449, or any amendments thereto, and if that week begins in

1 an extended benefit period or if an individual's eligibility for benefits under P.L.  
2 110-252 and P.L. 110-449, or any amendment thereto, ends within an extended  
3 benefit period, each week thereafter which begins in that extended benefit period.

4 (b) 2. His or her benefit year having expired in the extended benefit period and  
5 prior to such week, lacks base period wages on the basis of which he or she could  
6 establish a benefit year under s. 108.06; and or

7 **SECTION 14.** 108.141 (1) (b) 2m. of the statutes is created to read:

8 108.141 (1) (b) 2m. For weeks of unemployment beginning after February 17,  
9 2009, and ending before June 1, 2010, or with the last week for which federal sharing  
10 is authorized by section 2005 (a) of P.L. 111-5 and any amendments thereto,  
11 whichever is later, has exhausted federal emergency unemployment compensation  
12 under P.L. 110-252 and P.L. 110-449, and any amendments thereto, within an  
13 extended benefit period that began in a week during or before which the individual  
14 has exhausted that emergency unemployment compensation; and

15 **SECTION 15.** 108.141 (1) (dm) of the statutes is created to read:

16 108.141 (1) (dm) "High unemployment period" means a period during which  
17 an extended benefit period would be in effect if par. (f) 3. a. were applied by  
18 substituting an average rate of total unemployment that equals or exceeds 8 percent.

19 **SECTION 16.** 108.141 (1) (e) of the statutes, as affected by 2009 Wisconsin Act  
20 1, is repealed and recreated to read:

21 108.141 (1) (e) There is a Wisconsin "off" indicator for a week if, for the period  
22 consisting of that week and the immediately preceding 12 weeks, there is not a  
23 Wisconsin "on" indicator.

24 **SECTION 17.** 108.141 (1) (f) of the statutes is repealed and recreated to read:

25 108.141 (1) (f) There is a Wisconsin "on" indicator for a week if:

1           1. The rate of insured unemployment for the period consisting of that week and  
2           the immediately preceding 12 weeks equaled or exceeded 120 percent of the average  
3           of such rates for the corresponding 13-week period ending in each of the preceding  
4           2 calendar years, and equaled or exceeded 5 percent; or

5           2. The rate of insured unemployment for the period consisting of that week and  
6           the immediately preceding 12 weeks equaled or exceeded 6 percent, regardless of the  
7           rate of insured unemployment in the 2 preceding calendar years; or

8           3. With respect to weeks of unemployment beginning on or after February 17,  
9           2009, and ending with the week ending 3 weeks prior to the last week in which  
10          federal sharing is authorized by section 2005 (a) of P.L. 111-5 and any amendments  
11          thereto:

12          a. The average rate of total unemployment, seasonally adjusted, as determined  
13          by the U.S. secretary of labor, for the period consisting of the most recent 3 months  
14          for which data for all states are published before the close of that week equals or  
15          exceeds 6.5 percent; and

16          b. The average rate of total unemployment in this state, seasonally adjusted,  
17          as determined by the U.S. secretary of labor for the period consisting of the most  
18          recent 3 months for which data for all states are published before the close of that  
19          week equals or exceeds 110 percent of the average for either or both of the  
20          corresponding 3-month periods ending in the 2 preceding calendar years.

21          **SECTION 18.** 108.141 (5) of the statutes is repealed and recreated to read:

22          108.141 (5) TOTAL EXTENDED BENEFIT AMOUNT. (a) Except as provided in pars.  
23          (b) and (c), the total extended benefit amount payable to an eligible individual in his  
24          or her benefit year is the least of the following amounts:

1        1. Fifty percent of the total amount of regular benefits that were payable to the  
2 individual in the individual's most recent benefit year rounded down to the nearest  
3 dollar, including benefits canceled under s. 108.04 (5); or

4        2. Thirteen times the individual's weekly benefit amount.

5        (b) The total extended benefit amount payable to an individual in his or her  
6 benefit year shall be reduced by the total amount of additional benefits paid or  
7 treated as paid under s. 108.142 for weeks of unemployment in the individual's  
8 benefit year that began prior to the beginning of the extended benefit period that is  
9 in effect in the week in which the individual first claims extended benefits.

10        (c) Except as provided in par. (b), effective with respect to weeks beginning in  
11 a high unemployment period, the total extended benefit amount payable to an  
12 individual in his or her benefit year is the least of the following amounts:

13        1. Eighty percent of the total amount of regular benefits that were payable to  
14 the individual in the individual's most recent benefit year rounded down to the  
15 nearest dollar, including benefits canceled under s. 108.04 (5); or

16        2. Twenty times the individual's weekly benefit amount.

17        **SECTION 19.** 108.141 (7) (a) of the statutes is amended to read:

18        108.141 (7) (a) The department shall charge the state's share of each week of  
19 extended benefits to each employer's account in proportion to the employer's share  
20 of the total wages of the employee receiving the benefits in the employee's base  
21 period, except that if the employer is subject to the contribution requirements of ss.  
22 108.17 and 108.18 the department shall charge the share of extended benefits to  
23 which s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p) or (q), (s), or (t), (7m) or  
24 (8) (a) or 108.07 (3), (3r), (5) (b) or (8) applies to the fund's balancing account.

25        **SECTION 20. Initial applicability.**

1 (1) The treatment of sections 108.04 (7) (c), (h), (s) 1. a., b., bn., d., and e. and  
2 2. a., b., and c., and (t), 108.14 (8n) (e) and 108.141 (7) (a) of the statutes first applies  
3 with respect to terminations of employment occurring on the effective date of this  
4 subsection.

5 *create auto ref*  
6 (2) The treatment of section 108.06 (1), (2) (c) and (cm), (3), (6) (intro.), and (7)  
7 of the statutes first applies with respect to weeks of unemployment beginning on the  
8 effective date of this subsection.

9 **SECTION 21. Effective dates.** This act takes effect on the first Sunday after  
10 publication, except as follows:

11 (1) The treatment of sections 108.06 (1), (2) (c) and (cm), (3), (6) (intro.), and (7)  
12 of the statutes *takes effect on the first Sunday following the 90th day after*  
13 publication.

*and SECTION 20 (#) of this act*

(END)

## Kuesel, Jeffery

---

**From:** Schwalbe, Tracey L - DWD [Tracey.Schwalbe@dwd.wisconsin.gov]  
**Sent:** Monday, April 20, 2009 8:40 AM  
**To:** Kuesel, Jeffery  
**Cc:** LaRocque, Daniel J - DWD; Pawasarat, Jane - DOA; Bergan, Hal - DWD  
**Subject:** Comments on LRB draft 2556/1

Hi Jeff,  
A couple of comments on the most recent LRB draft re UI modernization:

The applicability/effective dates look good.

In Section 11, 108.06(7)(e) (p. 8, line 5) this should reference the claimant's "applicable" benefit year.

In Section 11, 108.06(7)(j) (p. 8, line 24) we should also reference the charging provisions of 108.04(16)(e) so that charging is done the same way for all approved training.

In Section 11, 108.06(7)(b) (p. 7, line 6), less important, but we should put a comma after training program to ensure correct interpretation.

In the analysis, under approved training, there is no reference to the exception to filing for the benefits during the claimant's applicable benefit year (e.g., when we have EB, EUC, etc.) as provided in 108.06(7)(e). Should this be included? It seems significant, but I understand if you think this would unnecessarily complicate the analysis.

Thanks.  
Tracey

## **Kuesel, Jeffery**

---

**From:** Schwalbe, Tracey L - DWD [Tracey.Schwalbe@dwd.wisconsin.gov]  
**Sent:** Monday, April 20, 2009 9:06 AM  
**To:** Kuesel, Jeffery  
**Cc:** LaRocque, Daniel J - DWD; Pawasarat, Jane - DOA; Bergan, Hal - DWD  
**Subject:** Additional comments on LRB 2556/1

Hi Jeff,  
There are two other comments I have on the draft, again on Section 11:

For 108.06(7)(b)2. and (e), I think we do not want to say "established based on the separation.." just "based on the separation..."

Also, for 108.06(7)(b)4., the phrase beginning "since the beginning of the base period..." should have been inserted after the first use of the word "employment" on line 17, not the word on line 18.

Thanks.  
Tracey



SECTION 11. 108.06 (7) of the statutes is created to read:

108.06 (7) (a) In this subsection:

1. "Applicable benefit year" means, with respect to a claimant, the claimant's current benefit year if at the time an initial claim for benefits under this subsection is filed the claimant has an unexpired benefit year or, in any other case, the claimant's most recent benefit year <sup>that ended no</sup> ~~that ended no~~ <sup>earlier than 52 weeks prior to the week for which the claimant first ~~claimed~~ <sup>claims</sup> benefits under this subsection.</sup>

2. "Training program" means any program of a type specified in s. 108.04 (16).

(b) Except as provided in pars. (f) and (g), a claimant who is otherwise eligible for benefits and who is currently enrolled in a training program, is eligible, while enrolled in that training program for additional benefits under this subsection provided that the claimant:

1. Has exhausted all rights to regular benefits, federal emergency compensation benefits under P.L. 110-252 and P.L. 110-449, as amended, and extended benefits under s. 108.141, or any other similar state or federal program of additional benefit;

2. Except as provided in par. (e), is first enrolled in a training program within the claimant's applicable benefit year;

**Deleted:** established based on the separation under subd. 4.

3. Is not receiving similar stipends or other training allowances for nontraining costs;

4. ~~Was separated from employment in a declining occupation or involuntarily separated from employment as a result of a permanent reduction in operations by his or her employing unit, and the separation occurred no earlier than the beginning of the base period of the claimant's applicable benefit year; and~~

**Deleted:** Has been

**Deleted:** since the beginning of the base period of the claimant's applicable benefit year

5. Is being trained for entry into a high-demand occupation.

(c) The weekly benefit rate payable to a claimant under this subsection for a week of total unemployment is an amount equal to the most recent weekly benefit rate in the claimant's applicable benefit year as determined under s. 108.05 (1).

(d) No claimant may receive total benefits under this subsection greater than 26 times the claimant's weekly benefit rate that applied to the claimant's applicable benefit year.

(e) A claimant who is otherwise eligible for benefits under par. (b) and whose applicable benefit year ends in a week in which benefits are payable in this state under s. 108.141 or 108.142, or P.L. 110-252 or P.L. 110-449, as amended, or another similar state or federal program of additional benefits, is also eligible for benefits under this subsection if the claimant is first

enrolled in a training program within 52 weeks after the end of the claimant's applicable benefit year.

**Deleted:** established based on the separation under par.

**Deleted:** (b) 4

(f) No benefits may be paid to a claimant under this subsection for weeks beginning more than 52 weeks after the first week for which the claimant received benefits under this subsection.

(g) Except when the result would be inconsistent with the other provisions of this subsection, the provisions of this chapter that apply to claims for, or the payment of, regular benefits apply to claims for, and the payment of, benefits under this subsection.

(h) The occupations that qualify as declining or high-demand for purposes of this subsection shall be determined by the department.

(i) The restrictions on benefit reductions and disqualifications in s. 108.04 (16) apply to a claimant in a training program who is entitled to receive benefits under this subsection.

(j) The department shall charge benefits paid under this subsection in the same manner as benefits charged under ss. 108.04 (16).

**Deleted:** provided for charging of regular

**Deleted:** 108.16 (2)



State of Wisconsin  
2009 - 2010 LEGISLATURE

NOW

LRB-2556/3  
JTK:nwn/kjfrs

DOA:.....Weidner, ARRA - Unemployment insurance eligibility; extended benefits

**FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION**

Gen

1 AN ACT *to repeal* 108.04 (7) (s) 2. c.; *to amend* 108.04 (7) (c), 108.04 (7) (h), 108.04  
2 (7) (s) 1. a. and b., 108.04 (7) (s) 2. a., 108.06 (1), 108.06 (2) (c) and (cm), (3) and  
3 (6) (intro.), 108.14 (8n) (e), 108.141 (1) (a) and (b) 2. and 108.141 (7) (a); *to*  
4 *repeal and recreate* 108.04 (7) (s) 2. b., 108.141 (1) (e), 108.141 (1) (f) and  
5 108.141 (5); and *to create* 108.04 (7) (s) 1. bn., d. and e., 108.04 (7) (t), 108.06  
6 (7), 108.141 (1) (b) 2m. and 108.141 (1) (dm) of the statutes; **relating to:**  
7 eligibility for unemployment insurance benefits and payment of extended  
8 benefits.

---

***Analysis by the Legislative Reference Bureau***

This bill expands eligibility for unemployment insurance benefits and changes the duration of federal/state extended benefits.

**BENEFIT ELIGIBILITY**

***Voluntary termination of employment***

Currently, if an employee voluntarily terminates his or her work for an employer, the employee is generally ineligible to receive benefits until four weeks

have elapsed since the end of the week in which the termination occurs and the employee earns wages after the week in which the termination occurs equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. However, an employee may terminate his or her work and receive benefits without requalifying under this provision, among other reasons, if the employee: 1) terminates his or her work due to domestic abuse or concerns about the personal safety or harassment of the employee's family or household members; or 2) was unable to work due to the health of a family member. This bill expands the domestic abuse exception to include abuse or threat of abuse by an unrelated individual with whom the employee had a personal relationship, includes an adopted relative in the definition of family member, and permits the domestic abuse or concerns to be verified either by a protective order, by a report of a law enforcement agency, or evidence provided by a licensed health care professional or an employee of a domestic violence shelter. The bill broadens the exception concerning the health of a family member to apply to any verified illness or disability that necessitates the care of a family member for a period of time that is longer than the employee's employer is willing to grant leave. The bill also provides that requalification is not required if an employee's spouse changed his or her place of employment to a place to which it is impractical to commute and the employee terminated his or her work to accompany the spouse to that place.

#### **Approved training in high-demand occupations**

Currently, benefits may not be denied to an otherwise eligible claimant because the claimant is enrolled in a vocational training course or a basic education course that is a prerequisite to such training ("approved training") under certain conditions. Currently, unless a claimant qualifies for federal state extended benefits, Wisconsin supplemental benefits, or federal emergency compensation and unless certain other exceptions apply, no claimant may receive total benefits based on employment in a base period (period preceding a claim during which benefit rights accrue) greater than 26 times the claimant's weekly benefit rate or 40 percent of the claimant's base period wages, whichever is lower. This bill provides, with certain exceptions, that if a claimant has exhausted all other rights to benefits, is currently enrolled in ~~and making satisfactory progress in~~ an approved training program under current law prior to the end of the claimant's benefit year (period during which benefits are payable) that qualified the claimant for benefits, and is not receiving any similar stipends or other training allowances for nontraining costs is entitled to additional benefits of up to 26 times the same benefit rate that applied to the claimant during his or her most recent benefit year if the claimant: 1) has been separated from employment in a declining occupation or involuntarily separated from employment as a result of a permanent reduction in operations by his or her employer; and 2) is being trained for entry into a high-demand occupation.

#### **PAYMENT OF EXTENDED BENEFITS**

Currently, the maximum number of weeks of benefits that an eligible claimant may qualify to receive is normally 26 weeks. However, during certain periods of high unemployment in this state, as defined by law, claimants who have exhausted all their rights to receive benefits in a given benefit year may potentially qualify to

*If not in a current benefit year, has a benefit year that ended no earlier than 52 weeks prior to the week for which the claimant first claims additional benefits.*

*provides additional benefits to certain claimants. The bill*

*and was so enrolled*

*IN 52 A ✓*

receive up to an additional 13 weeks of "extended benefits," the costs of which, with certain exceptions, are shared between the federal government and employers in this state. Under recent federal legislation, the employer share is also paid in most cases by the federal government beginning with weeks of unemployment that begin on or after February 17, 2009, and ending with the last week beginning in 2009, and, for claimants who begin an extended benefit claim before that date, ending with the last week ending before June 1, 2010. In addition, under the federal legislation, during periods of exceptionally high unemployment in this state, claimants who qualify for extended benefits may qualify to receive an additional seven weeks of extended benefits that are financed in the same manner. This bill changes state law to conform with the recent federal legislation so as to enable claimants in this state to qualify for these additional extended benefits and to enable full participation by this state in federal cost sharing for these benefits.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 108.04 (7) (c) of the statutes is amended to read:

2           108.04 (7) (c) Paragraph (a) does not apply if the department determines that  
3           the employee terminated his or her work but had no reasonable alternative because  
4           the employee was unable to do his or her work, or that the employee terminated his  
5           or her work because of the health verified illness or disability of a member of his or  
6           her immediate family and the verified illness or disability reasonably necessitates  
7           the care of the family member for a period of time that is longer than the employer  
8           is willing to grant leave; but if the department determines that the employee is  
9           unable to work or unavailable for work, the employee is ineligible to receive benefits  
10          while such inability or unavailability continues.

11          **SECTION 2.** 108.04 (7) (h) of the statutes is amended to read:

12          108.04 (7) (h) The department shall charge to the fund's balancing account  
13          benefits paid to an employee that are otherwise chargeable to the account of an

1 employer that is subject to the contribution requirements of ss. 108.17 and 108.18  
2 if the employee voluntarily terminates employment with that employer and par. (a),  
3 (c), (d), (e), (k), (L), (o), (p), (q), ~~or~~ (s), or (t) applies.

4 **SECTION 3.** 108.04 (7) (s) 1. a. and b. of the statutes are amended to read:

5 108.04 (7) (s) 1. a. "Domestic abuse" means physical abuse, including a  
6 violation of s. 940.225 (1), (2) or (3), or a threat of physical abuse by an adult family  
7 or adult household member against another family or household member; by an  
8 adult person against his or her spouse or former spouse; ~~or~~ by an adult person against  
9 a person with whom the person has a child in common; or by an adult person against  
10 an unrelated adult person with whom the person has had a personal relationship.

11 b. "Family member" means a spouse, parent, child or person related by  
12 consanguinity blood or adoption to another person.

13 **SECTION 4.** 108.04 (7) (s) 1. bn., d. and e. of the statutes are created to read:

14 108.04 (7) (s) 1. bn. "Health care professional" has the meaning given in s.  
15 180.1901 (1m).

16 d. "Law enforcement agency" has the meaning given in s. 165.83 (1) (b) and  
17 includes a tribal law enforcement agency as defined in s. 165.83 (1) (e).

18 e. "Protective order" means a temporary restraining order or an injunction  
19 issued by a court of competent jurisdiction.

20 **SECTION 5.** 108.04 (7) (s) 2. a. of the statutes is amended to read:

21 108.04 (7) (s) 2. a. Terminates his or her work due to domestic abuse, concerns  
22 about personal safety or harassment, concerns about the safety or harassment of his  
23 or her family members who reside with the employee or concerns about the safety or  
24 harassment of other household members; and

25 **SECTION 6.** 108.04 (7) (s) 2. b. of the statutes is repealed and recreated to read:

1           108.04 (7) (s) 2. b. Provides to the department a protective order relating to the  
2           domestic abuse or concerns about personal safety or harassment issued by a court  
3           of competent jurisdiction, a report by a law enforcement agency documenting the  
4           domestic abuse or concerns, or evidence of the domestic abuse or concerns provided  
5           by a health care professional or an employee of a domestic violence shelter.

6           **SECTION 7.** 108.04 (7) (s) 2. c. of the statutes is repealed.

7           **SECTION 8.** 108.04 (7) (t) of the statutes is created to read:

8           108.04 (7) (t) Paragraph (a) does not apply if the department determines that  
9           the employee's spouse changed his or her place of employment to a place to which it  
10          is impractical to commute and the employee terminated his or her work to  
11          accompany the spouse to that place.

12          **SECTION 9.** 108.06 (1) of the statutes is amended to read:

13          108.06 (1) Except as provided in ~~sub.~~ subs. (6) and (7) and ss. 108.141 and  
14          108.142, no claimant may receive total benefits based on employment in a base  
15          period greater than 26 times the claimant's weekly benefit rate under s. 108.05 (1)  
16          or 40% of the claimant's base period wages, whichever is lower. Except as provided  
17          in ~~sub.~~ subs. (6) and (7) and ss. 108.141 and 108.142, if a claimant's base period wages  
18          are reduced or canceled under s. 108.04 (5) or (18), or suspended under s. 108.04 (1)  
19          (f), (10) (a), or (17), the claimant may not receive total benefits based on employment  
20          in a base period greater than 26 times the claimant's weekly benefit rate under s.  
21          108.05 (1) or 40% of the base period wages not reduced, canceled or suspended which  
22          were paid or payable to the claimant, whichever is lower.

23          **SECTION 10.** 108.06 (2) (c) and (cm), (3) and (6) (intro.) of the statutes are  
24          amended to read:

1       108.06 (2) (c) No benefits are payable to a claimant for any week of  
2       unemployment not occurring during the claimant's benefit year except under sub. (7)  
3       and ss. 108.141 and 108.142.

4       (cm) If an employee qualifies to receive benefits using the base period described  
5       in s. 108.02 (4) (b), the wages used to compute the employee's benefit entitlement are  
6       not available for use in any subsequent benefit computation for the same employee,  
7       except under sub. (7) and s. 108.141 or 108.142.

8       (3) There shall be payable to an employee, for weeks ending within the  
9       employee's benefit year, only those benefits computed for that benefit year based on  
10      the wages paid to the employee in the immediately preceding base period. Wages  
11      used in a given benefit computation are not available for use in any subsequent  
12      benefit computation except under sub. (7) and s. 108.141.

13      (6) (intro.) If a claimant has established a benefit year prior to the effective date  
14      of any increase in the maximum weekly benefit rate provided under s. 108.05 (1), the  
15      claimant has not exhausted his or her total benefit entitlement under sub. (1) for that  
16      benefit year on that effective date, and the claimant was entitled to receive the  
17      maximum weekly benefit rate under s. 108.05 (1) that was in effect prior to that  
18      effective date, the limitation on the total benefits authorized to be paid to a claimant  
19      under sub. (1) does not apply to that claimant in that benefit year. Unless sub. (7)  
20      or s. 108.141 or 108.142 applies, the claimant's remaining benefit entitlement in that  
21      benefit year for the period beginning on that effective date shall be computed by:

22      **SECTION 11.** 108.06 (7) of the statutes is created to read:

23      108.06 (7) (a) In this subsection:

24      1. "Applicable benefit year" means, with respect to a claimant, the claimant's  
25      current benefit year if at the time an initial claim for benefits under this subsection



1 is filed the claimant has an unexpired benefit year or, in any other case, the  
2 claimant's most recent benefit year.

3 2. "Training program" means any program of a type specified in s. 108.04 (16).

4 (b) Except as provided in pars. (f) and (g), a claimant who is otherwise eligible  
5 for benefits and who is currently enrolled in a training program is eligible, while  
6 enrolled in that training program for additional benefits under this subsection  
7 provided that the claimant:

8 1. Has exhausted all rights to regular benefits, <sup>Wisconsin supplemental benefits,</sup> federal emergency  
9 compensation benefits under P.L. 110-252 and P.L. 110-449, as amended, <sup>and</sup>  
10 <sup>and the Federal Trade Act of 1974 (P.L. 93-618),</sup> extended benefits under s. 108.141, or any other similar state or federal program of  
11 additional benefits;

12 2. <sup>If not in a current benefit year, has a benefit year that</sup> Except as provided in par. (e), is first enrolled in a training program within <sup>no</sup> ~~the claimant's applicable benefit year~~ <sup>earlier than</sup> ~~established based on the separation under~~ <sup>52 weeks</sup>  
13 ~~subdiv. 4;~~ <sup>Prior to the week</sup>  
14 <sup>for which the claimant</sup>

15 3. <sup>Is</sup> ~~Is~~ not receiving similar stipends or other training allowances for nontraining  
16 costs;

17 4. <sup>Was</sup> ~~Has been~~ separated from employment in a declining occupation or  
18 involuntarily separated from employment ~~since the beginning of the base period of~~

19 ~~the claimant's applicable benefit year~~ as a result of a permanent reduction in  
20 <sup>if the separation occurred no earlier than the beginning of the base period</sup> operations by his or her employing unit; and <sup>for the claimant's applicable</sup>

21 5. <sup>Is</sup> ~~Is~~ being trained for entry into a high-demand occupation. <sup>benefit year</sup>

22 (c) The weekly benefit rate payable to a claimant under this subsection for a  
23 week of total unemployment is an amount equal to the most recent weekly benefit  
24 rate in the claimant's applicable benefit year as determined under s. 108.05 (1).

1 (d) No claimant may receive total benefits under this subsection greater than  
2 26 times the claimant's weekly benefit rate that applied to the claimant's applicable  
3 benefit year.

4 (e) A claimant who is otherwise eligible for benefits under par. (b) and whose  
5 <sup>applicable</sup> benefit year ends in a week in which benefits are payable in this state under s.  
6 108.141 or 108.142, or P.L. 110-252 or P.L. 110-449, as amended, or another similar  
7 state or federal program of additional benefits, is also eligible for benefits under this  
8 subsection if the claimant is first enrolled in a training program within 52 weeks  
9 after the end of the claimant's applicable benefit year established based on the  
10 separation under par. (b).

11 (f) No benefits may be paid to a claimant under this subsection for weeks  
12 beginning more than 52 weeks after the first week for which the claimant received  
13 benefits under this subsection.

14 (g) Except when the result would be inconsistent with the other provisions of  
15 this subsection, the provisions of this chapter that apply to claims for, or the payment  
16 of, regular benefits apply to claims for, and the payment of, benefits under this  
17 subsection.

18 (h) The occupations that qualify as declining or high-demand for purposes of  
19 this subsection shall be determined by the department.

20 (i) The restrictions on benefit reductions and disqualifications in s. 108.04 (16)  
21 apply to a claimant in a training program who is entitled to receive benefits under  
22 this subsection.

23 (j) The department shall charge benefits paid under this subsection in the same  
24 manner as <sup>are charged</sup> ~~provided for charging of regular~~ benefits under s. ~~108.16 (16)~~ <sup>108.04 (16)</sup>.

25 SECTION 12. 108.14 (8n) (e) of the statutes is amended to read:

1        108.14 (8n) (e) The department shall charge this state's share of any benefits  
2        paid under this subsection to the account of each employer by which the employee  
3        claiming benefits was employed in the applicable base period, in proportion to the  
4        total amount of wages he or she earned from each employer in the base period, except  
5        that if s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p) ~~or~~, (q), (s), or (t), (7m) or  
6        (8) (a) or 108.07 (3), (3r), (5) (b) or (8) would have applied to employment by such an  
7        employer who is subject to the contribution requirements of ss. 108.17 and 108.18,  
8        the department shall charge the share of benefits based on employment with that  
9        employer to the fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07 (3)  
10       would have applied to an employer that is not subject to the contribution  
11       requirements of ss. 108.17 and 108.18, the department shall charge the share of  
12       benefits based on that employment in accordance with s. 108.07 (5) (a) and (b). The  
13       department shall also charge the fund's balancing account with any other state's  
14       share of such benefits pending reimbursement by that state.

15       SECTION 13. 108.141 (1) (a) and (b) 2. of the statutes are amended to read:

16       108.141 (1) (a) "Eligibility period" of an individual means the period consisting  
17       of ~~the weeks~~ each week in the individual's benefit year which ~~begin~~ begins in an  
18       extended benefit period and, if the individual's benefit year ends within such ~~that~~  
19       extended benefit period, ~~any weeks~~ each week thereafter which ~~begin~~ begins in such  
20       a period. For weeks of unemployment beginning on or after February 17, 2009, and  
21       ending before June 1, 2010, or the last week for which federal sharing is authorized  
22       by section 2005 (a) of P.L. 111-5 and any amendments thereto, whichever is later,  
23       "eligibility period" also means the period consisting of each week during which an  
24       individual is eligible for emergency unemployment compensation under P.L.  
25       110-252 and P.L. 110-449, or any amendments thereto, and if that week begins in

1 an extended benefit period or if an individual's eligibility for benefits under P.L.  
2 110-252 and P.L. 110-449, or any amendment thereto, ends within an extended  
3 benefit period, each week thereafter which begins in that extended benefit period.

4 (b) 2. His or her benefit year having expired in the extended benefit period and  
5 prior to such week, lacks base period wages on the basis of which he or she could  
6 establish a benefit year under s. 108.06; ~~and~~ or

7 **SECTION 14.** 108.141 (1) (b) 2m. of the statutes is created to read:

8 108.141 (1) (b) 2m. For weeks of unemployment beginning after February 17,  
9 2009, and ending before June 1, 2010, or with the last week for which federal sharing  
10 is authorized by section 2005 (a) of P.L. 111-5 and any amendments thereto,  
11 whichever is later, has exhausted federal emergency unemployment compensation  
12 under P.L. 110-252 and P.L. 110-449, and any amendments thereto, within an  
13 extended benefit period that began in a week during or before which the individual  
14 has exhausted that emergency unemployment compensation; and

15 **SECTION 15.** 108.141 (1) (dm) of the statutes is created to read:

16 108.141 (1) (dm) "High unemployment period" means a period during which  
17 an extended benefit period would be in effect if par. (f) 3. a. were applied by  
18 substituting an average rate of total unemployment that equals or exceeds 8 percent.

19 **SECTION 16.** 108.141 (1) (e) of the statutes, as affected by 2009 Wisconsin Act  
20 1, is repealed and recreated to read:

21 108.141 (1) (e) There is a Wisconsin "off" indicator for a week if, for the period  
22 consisting of that week and the immediately preceding 12 weeks, there is not a  
23 Wisconsin "on" indicator.

24 **SECTION 17.** 108.141 (1) (f) of the statutes is repealed and recreated to read:

25 108.141 (1) (f) There is a Wisconsin "on" indicator for a week if:

1           1. The rate of insured unemployment for the period consisting of that week and  
2           the immediately preceding 12 weeks equaled or exceeded 120 percent of the average  
3           of such rates for the corresponding 13-week period ending in each of the preceding  
4           2 calendar years, and equaled or exceeded 5 percent; or

5           2. The rate of insured unemployment for the period consisting of that week and  
6           the immediately preceding 12 weeks equaled or exceeded 6 percent, regardless of the  
7           rate of insured unemployment in the 2 preceding calendar years; or

8           3. With respect to weeks of unemployment beginning on or after February 17,  
9           2009, and ending with the week ending 3 weeks prior to the last week in which  
10          federal sharing is authorized by section 2005 (a) of P.L. 111-5 and any amendments  
11          thereto:

12           a. The average rate of total unemployment, seasonally adjusted, as determined  
13           by the U.S. secretary of labor, for the period consisting of the most recent 3 months  
14           for which data for all states are published before the close of that week equals or  
15           exceeds 6.5 percent; and

16           b. The average rate of total unemployment in this state, seasonally adjusted,  
17           as determined by the U.S. secretary of labor for the period consisting of the most  
18           recent 3 months for which data for all states are published before the close of that  
19           week equals or exceeds 110 percent of the average for either or both of the  
20           corresponding 3-month periods ending in the 2 preceding calendar years.

21          **SECTION 18.** 108.141 (5) of the statutes is repealed and recreated to read:

22          108.141 (5) TOTAL EXTENDED BENEFIT AMOUNT. (a) Except as provided in pars.  
23          (b) and (c), the total extended benefit amount payable to an eligible individual in his  
24          or her benefit year is the least of the following amounts:

1           1. Fifty percent of the total amount of regular benefits that were payable to the  
2 individual in the individual's most recent benefit year rounded down to the nearest  
3 dollar, including benefits canceled under s. 108.04 (5); or

4           2. Thirteen times the individual's weekly benefit amount.

5           (b) The total extended benefit amount payable to an individual in his or her  
6 benefit year shall be reduced by the total amount of additional benefits paid or  
7 treated as paid under s. 108.142 for weeks of unemployment in the individual's  
8 benefit year that began prior to the beginning of the extended benefit period that is  
9 in effect in the week in which the individual first claims extended benefits.

10           (c) Except as provided in par. (b), effective with respect to weeks beginning in  
11 a high unemployment period, the total extended benefit amount payable to an  
12 individual in his or her benefit year is the least of the following amounts:

13           1. Eighty percent of the total amount of regular benefits that were payable to  
14 the individual in the individual's most recent benefit year rounded down to the  
15 nearest dollar, including benefits canceled under s. 108.04 (5); or

16           2. Twenty times the individual's weekly benefit amount.

17           **SECTION 19.** 108.141 (7) (a) of the statutes is amended to read:

18           108.141 (7) (a) The department shall charge the state's share of each week of  
19 extended benefits to each employer's account in proportion to the employer's share  
20 of the total wages of the employee receiving the benefits in the employee's base  
21 period, except that if the employer is subject to the contribution requirements of ss.  
22 108.17 and 108.18 the department shall charge the share of extended benefits to  
23 which s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p) ~~or~~ (q), (s), or (t), (7m) or  
24 (8) (a) or 108.07 (3), (3r), (5) (b) or (8) applies to the fund's balancing account.

25           **SECTION 20. Initial applicability.**

1           (1) The treatment of sections 108.04 (7) (c), (h), (s) 1. a., b., bn., d., and e. and  
2           2. a., b., and c., and (t), 108.14 (8n) (e) and 108.141 (7) (a) of the statutes first applies  
3           with respect to terminations of employment occurring on the effective date of this  
4           subsection.

(2) The treatment of section 108.06 (1), (2) (c) and (cm), (3), (6) (intro.), and (7) of the statutes first applies with respect to weeks of unemployment beginning on the effective date of this subsection.

8           **SECTION 21. Effective dates.** This act takes effect on the first Sunday after  
9   publication, except as follows:

10           (1) The treatment of section 108.06 (1), (2) (c) and (cm), (3), (6) (intro.), and (7)  
11       of the statutes and SECTION 20 (2) of this act take effect on the first Sunday following  
12       the 90th day after publication.

13 (END)

**2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2556/3ins  
JTK.....

INS 2A

NOT

In addition, the bill provides that if the benefit year of such a claimant<sup>✓</sup> expires in a week in which extended or other additional federal or state benefits are payable generally (see below), the claimant is also eligible for the additional benefits while enrolled in a training program as provided under the bill if the claimant first enrolled in the program within 52<sup>✓</sup> weeks after the end of the claimant's benefit year that qualified the claimant for benefits.

(end ins)





State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-2556/3  
JTK:nwn/kjf/jld:md

DOA:.....Weidner, ARRA - Unemployment insurance eligibility; extended benefits

**FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION**

1     **AN ACT** *to repeal* 108.04 (7) (s) 2. c.; *to amend* 108.04 (7) (c), 108.04 (7) (h), 108.04  
2         (7) (s) 1. a. and b., 108.04 (7) (s) 2. a., 108.06 (1), 108.06 (2) (c) and (cm), (3) and  
3         (6) (intro.), 108.14 (8n) (e), 108.141 (1) (a) and (b) 2. and 108.141 (7) (a); *to*  
4         *repeal and recreate* 108.04 (7) (s) 2. b., 108.141 (1) (e), 108.141 (1) (f) and  
5         108.141 (5); and *to create* 108.04 (7) (s) 1. bn., d. and e., 108.04 (7) (t), 108.06  
6         (7), 108.141 (1) (b) 2m. and 108.141 (1) (dm) of the statutes; **relating to:**  
7         eligibility for unemployment insurance benefits and payment of extended  
8         benefits.

---

***Analysis by the Legislative Reference Bureau***

This bill expands eligibility for unemployment insurance benefits and changes the duration of federal/state extended benefits.

**BENEFIT ELIGIBILITY**

***Voluntary termination of employment***

Currently, if an employee voluntarily terminates his or her work for an employer, the employee is generally ineligible to receive benefits until four weeks

have elapsed since the end of the week in which the termination occurs and the employee earns wages after the week in which the termination occurs equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. However, an employee may terminate his or her work and receive benefits without requalifying under this provision, among other reasons, if the employee: 1) terminates his or her work due to domestic abuse or concerns about the personal safety or harassment of the employee's family or household members; or 2) was unable to work due to the health of a family member. This bill expands the domestic abuse exception to include abuse or threat of abuse by an unrelated individual with whom the employee had a personal relationship, includes an adopted relative in the definition of family member, and permits the domestic abuse or concerns to be verified either by a protective order, by a report of a law enforcement agency, or evidence provided by a licensed health care professional or an employee of a domestic violence shelter. The bill broadens the exception concerning the health of a family member to apply to any verified illness or disability that necessitates the care of a family member for a period of time that is longer than the employee's employer is willing to grant leave. The bill also provides that requalification is not required if an employee's spouse changed his or her place of employment to a place to which it is impractical to commute and the employee terminated his or her work to accompany the spouse to that place.

***Approved training in high-demand occupations***

Currently, benefits may not be denied to an otherwise eligible claimant because the claimant is enrolled in a vocational training course or a basic education course that is a prerequisite to such training ("approved training") under certain conditions. Currently, unless a claimant qualifies for federal/state extended benefits, Wisconsin supplemental benefits, or federal emergency compensation and unless certain other exceptions apply, no claimant may receive total benefits based on employment in a base period (period preceding a claim during which benefit rights accrue) greater than 26 times the claimant's weekly benefit rate or 40 percent of the claimant's base period wages, whichever is lower. This bill provides additional benefits to certain claimants. The bill provides, with certain exceptions, that if a claimant has exhausted all other rights to benefits, is currently enrolled in an approved training program under current law and was so enrolled prior to the end of the claimant's benefit year (period during which benefits are payable) that qualified the claimant for benefits, if not in a current benefit year, has a benefit year that ended no earlier than 52 weeks prior to the week for which the claimant first claims additional benefits, and is not receiving any similar stipends or other training allowances for nontraining costs is entitled to additional benefits of up to 26 times the same benefit rate that applied to the claimant during his or her most recent benefit year if the claimant: 1) has been separated from employment in a declining occupation or involuntarily separated from employment as a result of a permanent reduction in operations by his or her employer; and 2) is being trained for entry into a high-demand occupation. In addition, the bill provides that if the benefit year of such a claimant expires in a week in which extended or other additional federal or state benefits are payable generally (see below), the claimant is also eligible for the

additional benefits while enrolled in a training program as provided under the bill if the claimant first enrolled in the program within 52 weeks after the end of the claimant's benefit year that qualified the claimant for benefits.

#### **PAYMENT OF EXTENDED BENEFITS**

Currently, the maximum number of weeks of benefits that an eligible claimant may qualify to receive is normally 26 weeks. However, during certain periods of high unemployment in this state, as defined by law, claimants who have exhausted all their rights to receive benefits in a given benefit year may potentially qualify to receive up to an additional 13 weeks of "extended benefits," the costs of which, with certain exceptions, are shared between the federal government and employers in this state. Under recent federal legislation, the employer share is also paid in most cases by the federal government beginning with weeks of unemployment that begin on or after February 17, 2009, and ending with the last week beginning in 2009, and, for claimants who begin an extended benefit claim before that date, ending with the last week ending before June 1, 2010. In addition, under the federal legislation, during periods of exceptionally high unemployment in this state, claimants who qualify for extended benefits may qualify to receive an additional seven weeks of extended benefits that are financed in the same manner. This bill changes state law to conform with the recent federal legislation so as to enable claimants in this state to qualify for these additional extended benefits and to enable full participation by this state in federal cost sharing for these benefits.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 1           **SECTION 1.** 108.04 (7) (c) of the statutes is amended to read:
- 2           108.04 (7) (c) Paragraph (a) does not apply if the department determines that
- 3           the employee terminated his or her work but had no reasonable alternative because
- 4           the employee was unable to do his or her work, or that the employee terminated his
- 5           or her work because of the health verified illness or disability of a member of his or
- 6           her immediate family and the verified illness or disability reasonably necessitates
- 7           the care of the family member for a period of time that is longer than the employer
- 8           is willing to grant leave; but if the department determines that the employee is

1       unable to work or unavailable for work, the employee is ineligible to receive benefits  
2       while such inability or unavailability continues.

3           **SECTION 2.** 108.04 (7) (h) of the statutes is amended to read:

4           108.04 (7) (h) The department shall charge to the fund's balancing account  
5       benefits paid to an employee that are otherwise chargeable to the account of an  
6       employer that is subject to the contribution requirements of ss. 108.17 and 108.18  
7       if the employee voluntarily terminates employment with that employer and par. (a),  
8       (c), (d), (e), (k), (L), (o), (p), (q), ~~or (s), or (t)~~ applies.

9           **SECTION 3.** 108.04 (7) (s) 1. a. and b. of the statutes are amended to read:

10          108.04 (7) (s) 1. a. "Domestic abuse" means physical abuse, including a  
11       violation of s. 940.225 (1), (2) or (3), or a threat of physical abuse by an adult family  
12       or adult household member against another family or household member; by an  
13       adult person against his or her spouse or former spouse; ~~or by an adult person against~~  
14       a person with whom the person has a child in common; or by an adult person against  
15       an unrelated adult person with whom the person has had a personal relationship.

16          b. "Family member" means a spouse, parent, child or person related by  
17       consanguinity blood or adoption to another person.

18           **SECTION 4.** 108.04 (7) (s) 1. bn., d. and e. of the statutes are created to read:

19          108.04 (7) (s) 1. bn. "Health care professional" has the meaning given in s.  
20       180.1901 (1m).

21          d. "Law enforcement agency" has the meaning given in s. 165.83 (1) (b) and  
22       includes a tribal law enforcement agency as defined in s. 165.83 (1) (e).

23          e. "Protective order" means a temporary restraining order or an injunction  
24       issued by a court of competent jurisdiction.

25           **SECTION 5.** 108.04 (7) (s) 2. a. of the statutes is amended to read:

1           108.04 (7) (s) 2. a. Terminates his or her work due to domestic abuse, concerns  
2           about personal safety or harassment, concerns about the safety or harassment of his  
3           or her family members who reside with the employee or concerns about the safety or  
4           harassment of other household members; and

5           **SECTION 6.** 108.04 (7) (s) 2. b. of the statutes is repealed and recreated to read:

6           108.04 (7) (s) 2. b. Provides to the department a protective order relating to the  
7           domestic abuse or concerns about personal safety or harassment issued by a court  
8           of competent jurisdiction, a report by a law enforcement agency documenting the  
9           domestic abuse or concerns, or evidence of the domestic abuse or concerns provided  
10          by a health care professional or an employee of a domestic violence shelter.

11          **SECTION 7.** 108.04 (7) (s) 2. c. of the statutes is repealed.

12          **SECTION 8.** 108.04 (7) (t) of the statutes is created to read:

13          108.04 (7) (t) Paragraph (a) does not apply if the department determines that  
14          the employee's spouse changed his or her place of employment to a place to which it  
15          is impractical to commute and the employee terminated his or her work to  
16          accompany the spouse to that place.

17          **SECTION 9.** 108.06 (1) of the statutes is amended to read:

18          108.06 (1) Except as provided in ~~sub.~~ subs. (6) and (7) and ss. 108.141 and  
19          108.142, no claimant may receive total benefits based on employment in a base  
20          period greater than 26 times the claimant's weekly benefit rate under s. 108.05 (1)  
21          or 40% of the claimant's base period wages, whichever is lower. Except as provided  
22          in ~~sub.~~ subs. (6) and (7) and ss. 108.141 and 108.142, if a claimant's base period wages  
23          are reduced or canceled under s. 108.04 (5) or (18), or suspended under s. 108.04 (1)  
24          (f), (10) (a), or (17), the claimant may not receive total benefits based on employment  
25          in a base period greater than 26 times the claimant's weekly benefit rate under s.

1 108.05 (1) or 40% of the base period wages not reduced, canceled or suspended which  
2 were paid or payable to the claimant, whichever is lower.

3 **SECTION 10.** 108.06 (2) (c) and (cm), (3) and (6) (intro.) of the statutes are  
4 amended to read:

5 108.06 (2) (c) No benefits are payable to a claimant for any week of  
6 unemployment not occurring during the claimant's benefit year except under sub. (7)  
7 and ss. 108.141 and 108.142.

8 (cm) If an employee qualifies to receive benefits using the base period described  
9 in s. 108.02 (4) (b), the wages used to compute the employee's benefit entitlement are  
10 not available for use in any subsequent benefit computation for the same employee,  
11 except under sub. (7) and s. 108.141 or 108.142.

12 (3) There shall be payable to an employee, for weeks ending within the  
13 employee's benefit year, only those benefits computed for that benefit year based on  
14 the wages paid to the employee in the immediately preceding base period. Wages  
15 used in a given benefit computation are not available for use in any subsequent  
16 benefit computation except under sub. (7) and s. 108.141.

17 (6) (intro.) If a claimant has established a benefit year prior to the effective date  
18 of any increase in the maximum weekly benefit rate provided under s. 108.05 (1), the  
19 claimant has not exhausted his or her total benefit entitlement under sub. (1) for that  
20 benefit year on that effective date, and the claimant was entitled to receive the  
21 maximum weekly benefit rate under s. 108.05 (1) that was in effect prior to that  
22 effective date, the limitation on the total benefits authorized to be paid to a claimant  
23 under sub. (1) does not apply to that claimant in that benefit year. Unless sub. (7)  
24 or s. 108.141 or 108.142 applies, the claimant's remaining benefit entitlement in that  
25 benefit year for the period beginning on that effective date shall be computed by:

1       **SECTION 11.** 108.06 (7) of the statutes is created to read:

2       108.06 (7) (a) In this subsection:

3       1. "Applicable benefit year" means, with respect to a claimant, the claimant's  
4       current benefit year if at the time an initial claim for benefits under this subsection  
5       is filed the claimant has an unexpired benefit year or, in any other case, the  
6       claimant's most recent benefit year.

7       2. "Training program" means any program of a type specified in s. 108.04 (16).

8       (b) Except as provided in pars. (f) and (g), a claimant who is otherwise eligible  
9       for benefits and who is currently enrolled in a training program is eligible, while  
10      enrolled in that training program, for additional benefits under this subsection  
11      provided that the claimant:

12      1. Has exhausted all rights to regular benefits, Wisconsin supplemental  
13      benefits, federal emergency compensation benefits under P.L. 110-252 and P.L.  
14      110-449, as amended, extended benefits under s. 108.141, and the federal trade act  
15      of 1974 (P.L. 93-618), or any other similar state or federal program of additional  
16      benefits;

17      2. If not in a current benefit year, has a benefit year that ended no earlier than  
18      52 weeks prior to the week for which the claimant first claims benefits under this  
19      subsection;

20      3. Except as provided in par. (e), is first enrolled in a training program within  
21      the claimant's applicable benefit year;

22      4. Is not receiving similar stipends or other training allowances for nontraining  
23      costs;

24      5. Was separated from employment in a declining occupation or involuntarily  
25      separated from employment as a result of a permanent reduction in operations by

1 his or her employing unit, if the separation occurred no earlier than the beginning  
2 of the base period for the claimant's applicable benefit year; and

3 6. Is being trained for entry into a high-demand occupation.

4 (c) The weekly benefit rate payable to a claimant under this subsection for a  
5 week of total unemployment is an amount equal to the most recent weekly benefit  
6 rate in the claimant's applicable benefit year as determined under s. 108.05 (1).

7 (d) No claimant may receive total benefits under this subsection greater than  
8 26 times the claimant's weekly benefit rate that applied to the claimant's applicable  
9 benefit year.

10 (e) A claimant who is otherwise eligible for benefits under par. (b) and whose  
11 applicable benefit year ends in a week in which benefits are payable in this state  
12 under s. 108.141 or 108.142, or P.L. 110-252 or P.L. 110-449, as amended, or another  
13 similar state or federal program of additional benefits, is also eligible for benefits  
14 under this subsection if the claimant is first enrolled in a training program within  
15 52 weeks after the end of the claimant's applicable benefit year.

16 (f) No benefits may be paid to a claimant under this subsection for weeks  
17 beginning more than 52 weeks after the first week for which the claimant received  
18 benefits under this subsection.

19 (g) Except when the result would be inconsistent with the other provisions of  
20 this subsection, the provisions of this chapter that apply to claims for, or the payment  
21 of, regular benefits apply to claims for, and the payment of, benefits under this  
22 subsection.

23 (h) The occupations that qualify as declining or high-demand for purposes of  
24 this subsection shall be determined by the department.



1 (i) The restrictions on benefit reductions and disqualifications in s. 108.04 (16)  
2 apply to a claimant in a training program who is entitled to receive benefits under  
3 this subsection.

4 (j) The department shall charge benefits paid under this subsection in the same  
5 manner as benefits are charged under s. 108.04 (16).

6 **SECTION 12.** 108.14 (8n) (e) of the statutes is amended to read:

7 108.14 (8n) (e) The department shall charge this state's share of any benefits  
8 paid under this subsection to the account of each employer by which the employee  
9 claiming benefits was employed in the applicable base period, in proportion to the  
10 total amount of wages he or she earned from each employer in the base period, except  
11 that if s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p) ~~or~~ (q), (s), or (t), (7m) or  
12 (8) (a) or 108.07 (3), (3r), (5) (b) or (8) would have applied to employment by such an  
13 employer who is subject to the contribution requirements of ss. 108.17 and 108.18,  
14 the department shall charge the share of benefits based on employment with that  
15 employer to the fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07 (3)  
16 would have applied to an employer that is not subject to the contribution  
17 requirements of ss. 108.17 and 108.18, the department shall charge the share of  
18 benefits based on that employment in accordance with s. 108.07 (5) (a) and (b). The  
19 department shall also charge the fund's balancing account with any other state's  
20 share of such benefits pending reimbursement by that state.

21 **SECTION 13.** 108.141 (1) (a) and (b) 2. of the statutes are amended to read:

22 108.141 (1) (a) "Eligibility period" of an individual means the period consisting  
23 of ~~the weeks~~ each week in the individual's benefit year which ~~begin~~ begins in an  
24 extended benefit period and, if the individual's benefit year ends within ~~such~~ that  
25 extended benefit period, ~~any weeks~~ each week thereafter which ~~begin~~ begins in such

1 a period. For weeks of unemployment beginning on or after February 17, 2009, and  
2 ending before June 1, 2010, or the last week for which federal sharing is authorized  
3 by section 2005 (a) of P.L. 111-5 and any amendments thereto, whichever is later,  
4 “eligibility period” also means the period consisting of each week during which an  
5 individual is eligible for emergency unemployment compensation under P.L.  
6 110-252 and P.L. 110-449, or any amendments thereto, and if that week begins in  
7 an extended benefit period or if an individual’s eligibility for benefits under P.L.  
8 110-252 and P.L. 110-449, or any amendment thereto, ends within an extended  
9 benefit period, each week thereafter which begins in that extended benefit period.

10 (b) 2. His or her benefit year having expired in the extended benefit period and  
11 prior to such week, lacks base period wages on the basis of which he or she could  
12 establish a benefit year under s. 108.06; and or

13 **SECTION 14.** 108.141 (1) (b) 2m. of the statutes is created to read:

14 108.141 (1) (b) 2m. For weeks of unemployment beginning after February 17,  
15 2009, and ending before June 1, 2010, or with the last week for which federal sharing  
16 is authorized by section 2005 (a) of P.L. 111-5 and any amendments thereto,  
17 whichever is later, has exhausted federal emergency unemployment compensation  
18 under P.L. 110-252 and P.L. 110-449, and any amendments thereto, within an  
19 extended benefit period that began in a week during or before which the individual  
20 has exhausted that emergency unemployment compensation; and

21 **SECTION 15.** 108.141 (1) (dm) of the statutes is created to read:

22 108.141 (1) (dm) “High unemployment period” means a period during which  
23 an extended benefit period would be in effect if par. (f) 3. a. were applied by  
24 substituting an average rate of total unemployment that equals or exceeds 8 percent.

1       **SECTION 16.** 108.141 (1) (e) of the statutes, as affected by 2009 Wisconsin Act  
2       1, is repealed and recreated to read:

3       108.141 (1) (e) There is a Wisconsin "off" indicator for a week if, for the period  
4       consisting of that week and the immediately preceding 12 weeks, there is not a  
5       Wisconsin "on" indicator.

6       **SECTION 17.** 108.141 (1) (f) of the statutes is repealed and recreated to read:

7       108.141 (1) (f) There is a Wisconsin "on" indicator for a week if:

8       1. The rate of insured unemployment for the period consisting of that week and  
9       the immediately preceding 12 weeks equaled or exceeded 120 percent of the average  
10      of such rates for the corresponding 13-week period ending in each of the preceding  
11      2 calendar years, and equaled or exceeded 5 percent; or

12      2. The rate of insured unemployment for the period consisting of that week and  
13      the immediately preceding 12 weeks equaled or exceeded 6 percent, regardless of the  
14      rate of insured unemployment in the 2 preceding calendar years; or

15      3. With respect to weeks of unemployment beginning on or after February 17,  
16      2009, and ending with the week ending 3 weeks prior to the last week in which  
17      federal sharing is authorized by section 2005 (a) of P.L. 111-5 and any amendments  
18      thereto:

19          a. The average rate of total unemployment, seasonally adjusted, as determined  
20          by the U.S. secretary of labor, for the period consisting of the most recent 3 months  
21          for which data for all states are published before the close of that week equals or  
22          exceeds 6.5 percent; and

23          b. The average rate of total unemployment in this state, seasonally adjusted,  
24          as determined by the U.S. secretary of labor for the period consisting of the most  
25          recent 3 months for which data for all states are published before the close of that

1 week equals or exceeds 110 percent of the average for either or both of the  
2 corresponding 3-month periods ending in the 2 preceding calendar years.

3 **SECTION 18.** 108.141 (5) of the statutes is repealed and recreated to read:

4 108.141 (5) TOTAL EXTENDED BENEFIT AMOUNT. (a) Except as provided in pars.  
5 (b) and (c), the total extended benefit amount payable to an eligible individual in his  
6 or her benefit year is the least of the following amounts:

7 1. Fifty percent of the total amount of regular benefits that were payable to the  
8 individual in the individual's most recent benefit year rounded down to the nearest  
9 dollar, including benefits canceled under s. 108.04 (5); or

10 2. Thirteen times the individual's weekly benefit amount.

11 (b) The total extended benefit amount payable to an individual in his or her  
12 benefit year shall be reduced by the total amount of additional benefits paid or  
13 treated as paid under s. 108.142 for weeks of unemployment in the individual's  
14 benefit year that began prior to the beginning of the extended benefit period that is  
15 in effect in the week in which the individual first claims extended benefits.

16 (c) Except as provided in par. (b), effective with respect to weeks beginning in  
17 a high unemployment period, the total extended benefit amount payable to an  
18 individual in his or her benefit year is the least of the following amounts:

19 1. Eighty percent of the total amount of regular benefits that were payable to  
20 the individual in the individual's most recent benefit year rounded down to the  
21 nearest dollar, including benefits canceled under s. 108.04 (5); or

22 2. Twenty times the individual's weekly benefit amount.

23 **SECTION 19.** 108.141 (7) (a) of the statutes is amended to read:

24 108.141 (7) (a) The department shall charge the state's share of each week of  
25 extended benefits to each employer's account in proportion to the employer's share

1 of the total wages of the employee receiving the benefits in the employee's base  
2 period, except that if the employer is subject to the contribution requirements of ss.  
3 108.17 and 108.18 the department shall charge the share of extended benefits to  
4 which s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p) ~~or~~ (q), (s), or (t), (7m) or  
5 (8) (a) or 108.07 (3), (3r), (5) (b) or (8) applies to the fund's balancing account.

6 **SECTION 20. Initial applicability.**

7 (1) The treatment of sections 108.04 (7) (c), (h), (s) 1. a., b., bn., d., and e. and  
8 2. a., b., and c., and (t), 108.14 (8n) (e) and 108.141 (7) (a) of the statutes first applies  
9 with respect to terminations of employment occurring on the effective date of this  
10 subsection.

11 (2) The treatment of section 108.06 (1), (2) (c) and (cm), (3), (6) (intro.), and (7)  
12 of the statutes first applies with respect to weeks of unemployment beginning on the  
13 effective date of this subsection.

14 **SECTION 21. Effective dates.** This act takes effect on the first Sunday after  
15 publication, except as follows:

16 (1) The treatment of section 108.06 (1), (2) (c) and (cm), (3), (6) (intro.), and (7)  
17 of the statutes and SECTION 20 (2) of this act take effect on the first Sunday following  
18 the 90th day after publication.

19 (END)